

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In the Matter of the Search of

JOSEPH "JOSE" BANKS,
as further described in Attachment A

FILED
2-11-10
FEB 11 2010

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT
CASE NUMBER: 08 CR 688

I, Task Force Officer Dominick Ciccola, being duly sworn depose and say:

I am a(n) Task Force Officer of the Federal Bureau of Investigation and have reason to believe that or X on the person of or on the
property or premises known as (name, description and/or location):

SEE ATTACHMENT A

in the Northern District of Illinois, Eastern Division, there is now concealed a certain person or property,
namely (describe the person or property to be seized)

BUCCAL SWAB and HAIR LOCK

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)
evidence of a crime, contraband, fruits of crime, or other items illegally possessed,
and property designed and intended for use in committing a crime,
concerning a violation of Title 18, United States Code, Sections 2113(a).
The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: x Yes No

Dominick Ciccola
Signature of Affiant

Sworn to before me and subscribed in my presence,

February 11, 2010 at
Date

Chicago, Illinois
City and State

Rebecca Pallmeyer, U.S. District Court Judge
Name & Title of Judicial Officer

Rebecca Pallmeyer
Signature of Judicial Officer

ATTACHMENT A

PERSONS TO BE SEARCHED:

JOSEPH BANKS, also known as "Jose Banks," also known as "Joseph Jose Banks," a male, approximately 5'8", 160 pounds, born on or about July 9, 1975, currently being held at the Chicago Metropolitan Correctional Center, inmate number 22652-424.

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

AFFIDAVIT

I, Dominick Ciccola, being duly sworn, state as follows:

1. I am a Task Force Officer assigned to the Federal Bureau of Investigation ("FBI"), and have been so assigned for approximately 3 ½ years. I am currently assigned to a FBI Violent Crime Squad in the Chicago, Illinois, field office. As a Task Force Officer, I have participated in investigations relating to bank robberies, kidnappings, firearms offenses and other violations of the laws of the United States. I have also been involved in various types of electronic surveillance and in the debriefing of defendants, witnesses, informants and others who have knowledge of the aforementioned offenses. In addition to my assignment with the FBI, I have been a Chicago Police Officer for 18 years, and since 2002, I have been a Chicago Police detective. During my employment with the Chicago Police Department, I investigated a wide range of crimes, including murder, robbery, and firearms offenses.

2. The information in this Affidavit is based on interviews of witnesses, review of records, review of consensually recorded conversations, information received from other law enforcement agents, my experience and training, and the experience of other law enforcement agents. Since this Affidavit is being submitted for the limited purposes of establishing probable cause to search the persons described below, I have not included each and every fact known to me concerning this investigation.

3. A search warrant is requested to further an investigation into bank robberies which occurred in Chicago on August 30, 2007, December 28, 2007 and August 26, 2008. This Affidavit is in support of a search warrant to obtain buccal swab samples from JOSEPH "JOSE" BANKS ("BANKS"). Based on the contents of this Affidavit, I submit that there is probable cause to believe that evidence of the involvement of BANKS in the August 30, 2007, December 28, 2007 and August 26, 2008 bank robberies will be obtained via the use of a buccal swab sample from BANKS.

4. On August 30, 2007, a black male wearing a painter's mask and a reflective construction-type vest, knocked on the back door of the First Commercial bank located at 6945 N. Clark Street in Chicago, Illinois. When an independent auditor opened the back door, the man pulled a gun and ordered the auditor into the bank lobby. The man then came through the bank threatening employees with a gun in an effort to round up the employees and march them in a group toward the vault. The employees began to run, and the bank robber escaped. The auditor subsequently identified BANKS from a photo array as the bank robber.

5. On December 28, 2007, a man wearing a fake beard, a wig, a dark colored suit and a trench coat, carrying a black messenger bag, entered the Citibank branch located at 3128 North Ashland Avenue in Chicago, Illinois. He approached a teller and pulled a gun, ordering the three employees behind the counter to accompany him into the vault. The bank robber then spotted a customer in the bank lobby and ordered him at gunpoint into the vault.

The bank robber motioned for another customer to join them, but that customer quickly exited the bank. The bank robber held the three employees and the customer in the vault at gunpoint and forced them to open a cash machine and fill his bag with money. The bank robber escaped with more than \$300,000. The bank robber was captured on video by bank security cameras. One of the three bank employees held at gunpoint in the vault subsequently identified BANKS from a photo array as the bank robber. The second customer who refused to join the robber and exited the bank subsequently identified BANKS from a photo array as the bank robber.

6. On or about December 4, 2007, law enforcement agents were conducting surveillance of BANKS, when they observed him enter the Village Discount Outlet thrift store located at 2032 North Milwaukee Avenue, Chicago, Illinois. Surveillance agents observed BANKS exit the store with a shopping bag. On January 7, 2008, law enforcement obtained a copy of surveillance video from the store, capturing customers at the store on December 4, 2007. The surveillance video shows BANKS purchasing a two-piece dark suit and a trench coat consistent with the clothing worn by the bank robber of Citibank on December 28, 2007.

7. On or about August 26, 2008, a workman emerged from the back door of the Chase Bank branch located at 5134 N. Clark Street in Chicago, Illinois, and went to his truck in the parking lot behind the bank, to get additional supplies. A man wearing a fake beard, a fisherman-type hat pulled low over his face, print pants and a black jacket approached the

workman in the parking lot behind the bank and pointed a gun at the workman. He ordered the workman to open the back door of the bank, and walked into the bank behind the workman. As he walked further into the bank behind the workman, the robber pointed the gun at a loan officer and motioned for him to start moving. Several bank employees, including the bank manager, observed the robber as he walked through the bank. As the robber continued to walk through the bank, the workman began yelling and took off running through the bank lobby and out the front door. The bank robber was captured on video by bank security cameras. The robber escaped. Both the workman and the bank manager subsequently identified BANKS from a photo array as the bank robber.

8. On or shortly before September 4, 2008, law enforcement agents learned that BANKS was living in an apartment located at 4207 S. Indiana, in Chicago. On or about September 4, 2008, law enforcement agents went to that address and knocked on the door, which was answered by INDIVIDUAL A and INDIVIDUAL B, who agreed to be interviewed by the law enforcement agents. INDIVIDUAL A and INDIVIDUAL B told the agents that they lived in the apartment with BANKS. INDIVIDUAL A also pointed out to law enforcement agents a 2002 Volvo station wagon parked on the street in front of the residence, and told the agents that it was BANKS' car. The vehicle has since been identified as a 2002 Volvo V70 XC station wagon with VIN: YV1SZ58D221066303 ("2002 Volvo").

9. The 2002 Volvo was registered in BANKS' name. Law enforcement agents learned that BANKS had purchased the 2002 Volvo on or about August 1, 2008 from Rocar

Auto Sales, Inc., 5136 North Western Avenue, Chicago, Illinois.

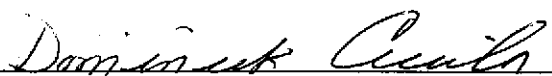
10. On September 5, 2008, Jeffrey Cole, United States Magistrate, issued a seizure warrant, authorizing law enforcement agents to seize the 2002 Volvo, among other vehicles.

11. On September 5, 2008, law enforcement agents seized the 2002 Volvo. Inside the 2002 Volvo, law enforcement found, among other items, a fake beard. The fake beard found in BANKS' car looks identical to the fake beard worn by the robber as seen in the video of the December 28, 2007 robbery of Citibank, and also looks identical to the fake beard worn by the robber as seen in the video of the August 26, 2008 robbery of Chase Bank.


12. Based upon my training and experience, I know that the fake beard may contain DNA or hair of the person involved in the robberies. Buccal Swab and hair lock specimens are needed from BANKS, so that any DNA recovered from the fake beard can be compared to the biological specimens provided by BANKS through a Buccal swab and a hair sample. A Buccal Swab is a sterile cotton swab which is rubbed on the inside cheek of an individual to collect cheek cells and/or saliva.

13. Based on my training and experience, and the training and experience of other law enforcement officers with whom I have conducted investigations or had discussions, I believe there is probable cause to conclude that Buccal Swab and hair lock samples recovered from the persons BANKS may provide evidence of his contact with the fake beard and his involvement in the bank robberies.

FURTHER AFFIANT SAYETH NOT.


DOMINICK CICCOLA, Task Force Officer
Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO BEFORE ME
this 11th day of February, 2010.


REBECCA PALLMEYER
UNITED STATES DISTRICT COURT JUDGE